

Appl. No. 10/820,913
Reply to Office Action of: 01/16/2007

Attorney Docket No. 10541-2028

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II. Remarks

Reconsideration of this application in view of the above amendments and the following remarks is herein respectfully requested.

After entering this amendment, new claims 6-9 have been added and claims 2-5 remain pending.

Examiner Interview

The Applicants would like to thank the examiner for extending the courtesy of an interview. The undersigned and the examiner conducted a telephonic interview on April 12, 2007 in which the standard for evaluating automatic control systems in light of cited manual prior art was discussed. The undersigned maintained that *In re Venner*, 120 USPQ 193 (CCPA 1958) does not apply when an automatic structure accomplishes a different result from a prior art manual structure. The undersigned also maintained that the cited manual prior art fails to disclose or suggest the claimed automatic structure and fails to disclose or suggest the claimed automatic result and cannot be used to render the automatic structure obvious. The undersigned further argued that the cited manual prior art taught away from adding an automatic control system. The undersigned and the examiner were unable to come to an agreement regarding the above arguments based on the previously presented claims. The examiner also suggested that method claims directed to the present invention might be allowable. In light of the above claim amendments, favorable consideration is respectfully requested.

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Further Claim Clarifications

Prior to discussing the rejections and the references, it is believed that a brief discussion on the current form of the independent claims of this application is warranted. Claim 1 now recites an automatic control system having a vertical adjusting action member and a horizontal adjusting action member. Further, it now claims the automatic control system includes a low-beam light operational mode and a high-beam light operational mode, and that the at least one low beam light chamber and at least one high beam light chamber are concurrently vertically adjusted between the operational modes by the automatic control system actuating the vertical adjusting action member.

In addition, new independent claim 6 and dependent claims 7-9 have been added directed to a method of adjusting a headlamp of a motor vehicle.

Claim Rejections - 35 U.S.C. §103(a)

Claims 2-5 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Mochizuki et al. ("Mochizuki") in view of U.S. Patent Publication No. 2002/0097585. Applicant respectfully traverses these rejections.

As noted by the Examiner, Mochizuki discloses a vehicle headlamp having a main reflector 13 forming a low beam and a sub-reflector 19. Mochizuki at paragraph [0035] and FIG. 1. Two manual aiming screws 11 are configured for concurrent vertical and horizontal manual alignment of the main reflector 13 and the sub-reflector 19. See *id.* at paragraph [0034] and FIG. 2.

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Once the screws 11 have been used to manually adjust the reflectors, subsequent adjustment is not possible during normal operation of the vehicle and the vehicle headlamp. From this, it is submitted that Mochizuki fails to disclose a vehicle headlamp including a vertical adjusting action member and an automatic control system coupled to the vertical adjusting action member, the automatic control system including a low beam light operational mode and a high beam light operational mode and at least one low beam light chamber and at least one high beam light chamber being concurrently vertically adjusted between the low beam light operational mode and the high beam light operational mode by the automatic control system actuating the vertical adjusting action member.

The examiner also asserts that broadly providing an automatic means to replace a manual activity to accomplish the same result is insufficient to distinguish over the manual prior art of Mochizuki. See *In re Venner*, 120 USPQ 193 (CCPA 1958). However, the automatic control system of the amended claims is now further defined as being coupled to the vertical adjusting action member and including a low beam light operational mode and a high beam light operational mode and accomplishes an entirety different result from Mochizuki, it is submitted that *In re Venner* does not apply. Since the automatic control system now claims a low beam light operational mode and a high beam light operational mode, which are not disclosed or suggested by the manual adjusting screws of Mochizuki, the present invention distinguishes over the manual device of Mochizuki.

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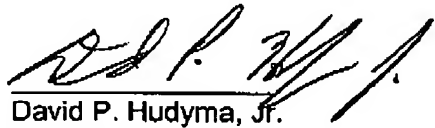
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Accordingly, for at least the above reasons it must be concluded that Mochizuki cannot render the claims of the present application as obvious. The rejection under § 103 is therefore improper and should be withdrawn.

Conclusion

In view of the above amendments and remarks, it is respectfully submitted that the present form of the claims are patentably distinguishable over the art of record and that this application is now in condition for allowance. Such action is requested.

Respectfully submitted,



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